

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Maurice Wyman Scott, Sr., a/k/a)	
Maurice Scott,)	C/A No.: 3:06-1088-MBS
)	
Plaintiff,)	
)	
vs.)	
)	
South Carolina Department of Probation,)	O R D E R
Parole, and Pardon Services (SCDPPPS);)	
and the State of South Carolina,)	
)	
Defendants.)	
)	

Plaintiff Maurice Wyman Scott, Sr. brings this action pursuant to 42 U.S.C. § 1983, asserting that his constitutional rights have been violated.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Joseph R. McCrorey for pretrial handling. On May 30, 2006, the Magistrate Judge issued an order directing Plaintiff bring his case into “proper form” within twenty days by (1) paying the filing fee or filing an application to proceed in forma pauperis; (2) completing and filing Forms USM-285; (3) completing summonses for each Defendant; (4) submitting completed answers to Rule 26.01 Interrogatories; and (5) completing Special Interrogatories propounded by the Magistrate Judge. Plaintiff has failed to bring his case into proper form or to otherwise respond to the Magistrate Judge’s order. On June 28, 2006, the Magistrate Judge issued a Report and Recommendation in which he recommended that the within action be dismissed pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute and/or failure to comply with orders of the court. Plaintiff filed no objection to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has

no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has thoroughly reviewed the record. The court concurs in the Report and Recommendation of the Magistrate Judge and incorporates it herein by reference. The case is dismissed pursuant to Rule 41(b) without prejudice and without issuance of service of process.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

July 27, 2006

Columbia, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.